

## GOVERNMENT OF TELANGANA

### ABSTRACT

Public Services – Animal Husbandry, Dairy Development & Fisheries Department – Disciplinary action initiated against Dr. Shaik Shamshuddin, VAS., (now retired) on certain allegations leveled against him - Charges framed – Enquiry conducted – Charges proved - Imposing a penalty of 10% cut in pension for a period of three (3) years – Orders – Issued.

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### ANIMAL HUSBANDRY DAIRY DEVELOPMENT AND FISHERIES (V&F) DEPARTMENT

G.O.Rt. No. 10,

dated:12.01.2017.

Read the following

1. G.O.Rt.No.34, AH DD&F (AH-I) Department dt:29.04.2003.
2. Orders dated:23.07.2009 of the Hon'ble APAT., in O.A.No.1069/2004 filed by Dr. Shaik Shanshuddin, VAS., (now retired).
3. Govt.Memo.No.5056/VS/2009-3, dated:24.12.2009.
4. Orders dated:01.02.2011 of the Hon'ble High Court in W.P.No.24713/2010 filed by the Government.
5. Govt.Memo.No.5056/VS/2009-, dated:12.04.2012.
6. Proceedings dated:08.07.2013 of the Hon'ble Supreme Court on SLP in CC 11541/2013.
7. Letter Roc.No.16360/VC/G3/2009, dated:01.11.2016 of the DAH., Hyderabad.

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### O R D E R:

1. In the G.O. 1<sup>st</sup> read above, Government have issued orders for "Removal of Dr. Shaik Shamshuddin, Veterinary Assistant Surgeon, from Government service" for his unauthorized absence under rule 9 (ix) of APCS, (CCA) Rules, 1991, as the charges framed against the individual were held proved.
2. Aggrieved by the orders issued in the reference 1<sup>st</sup> read above, Dr. Shaik Shamshuddin, VAS, was filed O.A.No.1069/2004 before the Hon'ble APAT., against the orders of removal from service.
3. In the Orders 2<sup>nd</sup> read above, the Hon'ble APAT., have set-a-side the orders issued in the G.O. 1<sup>st</sup> read above and directed the respondents to treat the period of absence as available leave and treat the remaining period as Dies – Non and release the pensionary benefits to the individual.
4. In the Government Memo 3<sup>rd</sup> read above, the Director of Animal Husbandry was requested to file W.P in the Hon'ble High Court of A.P against the orders of the Hon'ble APAT. Accordingly, the Director of Animal Husbandry, Hyderabad has filed W.P.No.24713/2010 in the Hon'ble High Court.
5. In the orders 4<sup>th</sup> read above, the Hon'ble High Court has passed the final orders and stated that:  
"The individual was absent for certain period without obtaining prior permission. No doubt, it is clear dereliction of duty on the part of an employee, but however, keeping in view the nature of misconduct, gravity of charge and no consequential loss to the government, and that too, presently Dr. Shaik Shamshuddin, VAS was retired from service, a penalty of minor punishment will meet the ends of Justice. Accordingly, we direct the petitioner's authorities to cut 10% of the pension payable to the individual for a period of (3) years."
6. In the Government Memo 5<sup>th</sup> read above, the Director of Animal Husbandry was requested to file an appeal in the Supreme Court against the judgment issued in the orders 4<sup>th</sup> read above. Accordingly, the S.L.P. was filed in the Supreme Court of India.

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7. In the letter 7<sup>th</sup> read above, while enclosing the proceedings of the Hon'ble Supreme Court, the Director of Animal Husbandry, Hyderabad has stated that the special officer in-charge, O/o the Special Officer for Advocates – on Record in the Supreme court Telangana Bhavan New Delhi has furnished the Supreme court proceedings dated 08-07-2013 in SLP against the judgment of the Hon'ble High Court in W.P. No. 24713/2010, dated: 01-02-2011 retrieved from the internet for information and necessary action. The Supreme Court of India in its Record of Proceedings passed the orders "The Special Petition is dismissed on the grounds of unexplained delay of 470 days and also on merits. The petitioners are directed to implement the orders of High Court within a period of four weeks from today."

8. After careful examination of the matter and keeping in view of the orders of the Hon'ble Supreme Court, Government have decided to implement the orders dated:01.02.2011 of the Hon'ble High Court. Accordingly, Government hereby order to impose the penalty of 10% cut in payable pension for a period of three (3) years against Dr.Shaik Shamshuddin, VAS, (Retired).

9. The Director of Animal Husbandry, Hyderabad shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

SURESH CHANDA

SPECIAL CHIEF SECRETARY TO GOVERNMENT

To  
The Individual through the Director of Animal Husbandry, Hyderabad.  
The Director of Animal Husbandry, Hyderabad.  
Copy to  
The AG., T.S., Hyderabad.  
The P.S. to M (AH DD&F).  
The P.S. to Spl. Secretary to Government.  
SF/SC.

// FORWARDED BY ORDER //

SECTION OFFICER